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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,523	05/08/2006	Joachim Gericke	2003P16149	5140
24131	7590	04/01/2009		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			FISHMAN, MARINA	
HOLLYWOOD, FL 33022-2480				
			ART UNIT	PAPER NUMBER
			2832	
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			04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,523	GERICKE ET AL.	
	Examiner	Art Unit	
	Marina Fishman	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10,12-14,17,18 is/are rejected.
- 7) ☒ Claim(s) 11,15 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a Non- Action on the Merits for RCE. Claims 1 – 15 and 17 – 19 are pending in the case and are being examined.

Claim Objections

2. Claims 9 – 15, and 17 – 19 are objected to because of the following informalities:

In Claim 9, it is not clear “a hollow cylindrical basic body formed with a substantially continuous outer circumferential wall having a front end *facing a switch path*”. (The switch path is represented by axial line 4; so, does the recitation “facing a switching path” means that the front end of the ring 9, facing radially inward toward the axis 4, or the front end is facing vertically downward.)

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 10, 12 – 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenemann et al. [US 6,211,478] in view of B.G. Tremblay [US 2,504,906].

Regarding Claims 9, 10, 12 - 14, 17 and 18, Schoenemann et al. disclose a switching device, comprising:

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- a first and a second arcing contact piece [11, 14], lying axially opposite one another [Figure 1];
- a first and a second rated current contact piece [6, 8; 34, 31], disposed coaxially with respect to the arcing contact pieces, at least one of the rated current contact pieces having a hollow-cylindrical basic body [Figure 1] formed with a substantially continuous outer circumferential wall having a front end facing a switching path of the switching device;
- an arc-resistant material [36, 37, Figures 3b, 3c] covering the front, and
- contact making points [34] disposed between the first and second rated current contact pieces [6, 8] and lying axially in a region of the arc-resistant material in a switched-on state of the switching device,
- the arc resistant material [36] making initial contact with the contact making points and also making contact with the contact making points in the switched-on state of the switching device [Figures 3b, 3c];
- wherein the arc-resistant material is made of plurality of different metals [column 9, lines 20-42].

Regarding Claims 9, 10, 12-14, 17 and 18, Schoenemann et al. disclose the instant claimed invention except for the arc-resistant material having an electroplating surface. B.G. Tremblay discloses an electric contact member [10, 12, 14] wherein the

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member [14] was subject to electroplating [Column 4, lines 57 – 70]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the arc-resistant material with an electroplating surface in Schoenemann et al., in order to provide corrosion resistance [Column 4, lines 32 – 37] and improve contact performance characteristics. Regarding Claim 10 the arc-resistant material is fixed to the hollow-cylindrical body in a form of a ring [33, 34, Column 5, line 24] in order to cover circumferential wall of the hollow cylindrical basic body. Regarding Claims 12 -14 and 17, Schoenemann et al. disclose insulating bodies, a nozzle [12] and an element [5], and in Figure 4a and 5a, Schoenemann et al. disclose bolt connection extending axially between the housing part and contact-carrying element [41, 39, 40, 15, 9], however Schoenemann et al. do not disclose the detail of connections between the insulating bodies and the housing or partitions, and pressure element (pressure washer) between the bolt and the connecting parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use axially extending bolt with pressure element/washer in embodiment of Figure 1 of Schoenemann et al. to connect insulating bodies [5, 12] with contact carrying elements [9, 23], so as to fix the two parts in a vibration proof manner [pressure washers are known to be used for retaining connection between two parts in vibration proof environment].

Allowable Subject Matter

5. Claims 11, 15 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 2/26/2009 have been fully considered but they are not persuasive.

The Applicant has argued, that hollow-cylindrical basic body necessarily require that the body has a substantially continuous outer surface or wall and that the plurality of circumferentially distributed contact fingers 33 that are taught by Schoenemann et al. do not form a hollow- cylindrical basic body because they do not form a substantially continuous outer surface or wall. The Examiner respectfully disagrees. Both the contacts [34, 30, 31, 33] qualifies as hollow cylindrical bodies and with substantially continuous outer circumferential wall.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elvin G Enad/
Supervisory Patent Examiner, Art Unit 2832

/Marina Fishman/
Examiner, Art Unit 2832
March 17, 2009